

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:19-CV-509-D

SYNGENTA CROP PROTECTION, LLC,     )  
   )  
Plaintiff,                                     )  
   )  
v.   )  
   )  
ATTICUS, LLC,                                )  
   )  
Defendant.                                    )

**ORDER**

This matter is before the court on the following motions:

1. Defendant's motion to seal portions of documents submitted in connection with its motion to compel discovery of settlement agreements [DE #483]; and
2. Plaintiff's motion to seal portions of documents submitted in connection with Defendant's motion to compel discovery of settlement agreements and Plaintiff's Second Motion to Maintain Confidentiality Designations [DE #527].

The parties seek to seal the filings on the ground they contain confidential business and technical information, including information concerning the parties' business relationships, third parties' processes for the manufacture of azoxystrobin, and Plaintiff's azoxystrobin business (Def.'s Mot. Seal [DE #485] at 7-8; Pl.'s Mot. Seal [DE #527] at 2.)) Where appropriate, the parties have filed proposed redacted versions

of the documents, omitting the portions they contend should not be available to the public.

For the reasons set forth in the parties' motions and supporting memoranda, the court grants the parties' motions to seal. The court finds that the public's common law right of access is outweighed by the interests of the parties and third-party manufacturers in protecting against competitive and/or financial harm were such information made public. *In re Knight Publ'g Co.*, 743 F.2d 231 (4th Cir. 1984). Public notice of the parties' requests to seal these documents and a reasonable opportunity to object have been provided by the filing of their motions, and no objections have been filed with the court. Furthermore, the parties have narrowly tailored the requests to remove only information that is sensitive and confidential and not otherwise publicly known.

### **CONCLUSION**

For the foregoing reasons, it is hereby ORDERED as follows:

1. Defendant's Motion to Seal [DE #483] is GRANTED;
2. Plaintiff's Motion to Seal [DE #527] is GRANTED;
3. The following documents shall be SEALED:
  - a. Defendant's Motion to Compel Discovery [DE ##471, 484-1]. A redacted version is available at DE #528-3;
  - b. Defendant's Memorandum in Support of its Motion to Compel Discovery [DE ##472, 484-2]. A redacted version is available at DE #528-4;
  - c. Declaration of Robert J. Scheffel [DE ##473, 483-4]. A redacted version is available at DE #528-5;

d. Table and Exhibits 2-12 and 14-18 to Declaration of Robert J. Scheffel [DE ##473-1, 473-3 to 473-13, 473-15 to 473-19, 483-5, 483-6 to 483-14, 483-17 to 483-19, 484-3 to 484-5]. Redacted versions are available at DE ##528-6, 483-7, 528-7, 483-8 to 483-14, 528-8, 528-9, 483-17 to 483-19, 528-10;

e. Plaintiff's Response in Opposition to Defendant's Motion to Compel Discovery [DE #526]. A redacted version is available at DE #528-11;

f. Plaintiff's Second Motion to Maintain Confidentiality Designations [DE #521]. A redacted version is available at DE #528-12;

g. Plaintiff's Memorandum in Support of Second Motion to Maintain Confidentiality Designations [DE #523]. A redacted version is available at DE #528-13;

h. Declaration of Jeff Cecil [DE #523-1]. A redacted version is available at DE #528-14; and

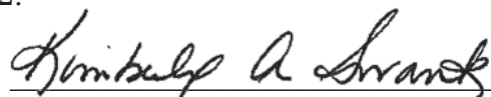
i. Exhibits 1, 3-6 [DE ##525-1 to 525-5]. Redacted versions are available at DE ##528-15 to 528-19.

5. The clerk shall UNSEAL the following provisionally sealed documents unless a motion to seal is filed within seven (7) days of the date this order is entered:

a. Exhibit 1 [DE #473-2]; and

b. Exhibit 13 [DE #473-14].

This 21st day of September 2022.



KIMBERLY A. SWANK

United States Magistrate Judge